

REMARKS/ARGUMENTS

These remarks are submitted in response to the Office Action dated May 11, 2007 (Office Action). As this response is filed within the three-month shortened statutory period, no fee is believed due. However, the Examiner is expressly authorized to charge any deficiencies to Deposit Account 50-0951.

On the basis of new grounds of rejection noted in the Office Action, Claims 1, 4, 14, 17, and 27 were rejected under 35 U.S.C. § 103 (a) as being unpatentable over U.S. Published Patent Application No. 2002/0010715 to Chinn, *et al.* (hereinafter Chinn), in view of U.S. Patent No. 6,275,378 to Schuba, *et al.* (hereinafter Schuba), and further in view of U.S. Patent 6,269,336 to Ladd, *et al.* (hereinafter Ladd). Claims 5-13, 18-26, and 28 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Chinn in view of Schuba.

Although Applicants respectfully disagree with the rejections, Applicants have amended independent claims 5, 18, and 28 to further emphasize certain aspects of the invention so as to expedite prosecution of the present application. Applicants respectfully note, however, that the amendments are not intended as nor should they be interpreted as the surrender of any subject matter. Accordingly, Applicants respectfully reserve the right to present the original version of any of the amended claims in any future divisional or continuation applications from the present application.

Applicants also present newly-added Claims 29 and 30. The claim amendments and newly-presented claims are fully supported throughout the Specification. (See, e.g., paragraph [0023], lines 1-8.)

The Claims Define Over The Cited References

As noted above, independent Claims 1, 14, and 27 were rejected as being unpatentable over the combination of Chin in view of Schuba, and further in view of newly-cited Ladd. As also noted, independent Claims 5, 18, and 28 were rejected as

being unpatentable over the combination of Chin in view of Schuba. Applicants maintain, however, that none of the cited references, alone or in combination, teach or suggest every feature recited in Claims 1, 5, 14, 18, 27, and 28.

At page 3 of the Office Action, it is stated that Chinn teaches classifying an event as either a default help request or a user-initiated help request. Specifically, it is stated that this teaching follows "since Chinn teaches a help message when a user request help and a help message as a default when the system does not recognize the request and needs more information." (Emphasis supplied.)

Applicants respectfully submit that the fact that Chinn initiates a help message in both instances – regardless of whether responding to a user request or a default – emphatically demonstrates the feature of Applicants' invention that is lacking in Chinn. Applicants invention responds to a default help request differently than it does to a user-initiated request. As acknowledged in the Office Action, Chinn does not respond to the two distinct events differently. Chinn responds in the same manner to both events, specifically, by sending a help message.

In a portion cited at page 3 of the Office Action with respect to this aspect of the invention, Chinn merely provides:

"The help counter keeps track of the number of times help messages are played for a node currently being visited. A help message is usually provided to the user in case the system does not recognize the user's request or at the user's request. Thus, the help counter is incremented until the system successfully moves to the next node or the session ends. If the system browses that node again at a later time, then the counter would be reset, at step 1305." (Paragraph [0145].) (Emphasis supplied.)

Applicants respectfully submit that it is logically untenable to infer that Chinn teaches or suggests classifying an event as either a default help request or user-initiated help request since in either event Chinn responds in an identical manner, by sending a help message. There is no reason for Chinn to classify an event as either a default help request or user-initiated help request, or even to distinguish between these different types of events. In both events Chinn responds the same way.

Elsewhere, in another portion cited at page 3 of the Office Action, Chinn states:

A user, while using the system, can request for help at any point during navigation. When a user requests assistance by invoking the help command (e.g., by saying "help"), then at step 1605 the help counter N is incremented. At step 1610, the system retrieves the label for the node currently visited by the user. The node label is associated, in one or more embodiments, with the content of the node and is used to identify that node. The label can be a keyword included or associated with the node, for example. (Paragraph [0175].)

Applicants respectfully maintain, however, that this portion of Chinn merely describes an action taken in response to a help request. Nothing in the language remotely suggests treating a user-initiated help request and a default help request differently, let alone even distinguishing between the two distinct types of event.

Schuba is cited at page 4 of the Office Action as teaching the setting of a time to a "value" less than a default time. Applicants respectfully note, however, that Schuba's time has nothing whatsoever to do with adjusting a default time in the context of providing user assistance. Schuba is exclusively concerned with the transmission of data packets. In the portion cited in the Office Action, Schuba provides the following:

Conditional loop 122 is triggered by the detection of any successive SYN packets with the suspect source address in bad address state 120. The triggering of conditional loop 122 causes a RST packet to be sent to the targeted destination host 54 in the manner described in connection with stage 72. Accordingly, the connection associated with the source address in state 120 is closed, freeing resources of the targeted destination host 54. Conditional loop 122 returns to bad address state 120 with each successive SYN packet corresponding to the suspect source address. As a result, suspect addresses that are likely to be spoofed reach bad address state 120 after first being monitored at the new address state 114 for the time period T1. The diagram of FIG. 8 illustrates the packet sequence for a suspect source address in bad address state 120 for which a RST packet is transmitted to the targeted destination host by triggering conditional loop 122 with another SYN packet. Preferably, time period T1 is set to a value significantly less than the default time-out duration commonly associated with the targeted destination host 54. However, it should be appreciated that a time period T1 that is too low may adversely impact the formation of relatively slow legitimate connections.

As revealed by the explicit language, Schuba has nothing to do with providing help messages. The default time-out referred to is related to the sending of data packets.

More fundamentally, however, even when Schuba is combined with Chinn, the combination does not teach or even suggest the features claimed. Applicants invention is concerned not merely with distinguishing between two distinct types of events, but responding in a different manner depending on whether the event is classified as a user-initiated help request or a default help request. Schuba merely

provides for adjusting a default time. Nothing in Schuba even remotely suggests the manner in which the adjustment is to be made. Chinn is likewise devoid of any teaching or suggestion that two different events are treated differently. Indeed, as already noted, Chinn treats a user-initiated help request the same as a default help request. Ladd likewise is merely cited as differentiating between no-match and no-response events, but is silent regarding distinguishing between user-initiated help requests and default help requests.

This fundamental lack in the combination of references is seen most starkly when the following question is posed: even when the references are combined, where does the combination lead one to infer that the time before sending a response to a user-initiated help request should be less than the time before a response to a default help request is sent? As previously stated by Applicants, even if Schuba, albeit in a wholly unrelated context, suggests setting a timeout period to a value less than a default, that still suggests nothing about which event – the default help request or the user-initiated help request – should be associated with the shorter time interval. Applicants respectfully submit that this issue raised previously by Applicants has yet to be addressed. Applicants respectfully submit that not only does the combination of references fail to suggest treating the two types of events – a default help request and a user-initiated help request – differently, but moreover, nothing in the references suggests anything regarding the distinct manner in which each is to be treated. Specifically, none of the references even remotely suggest that a help message should be sent more quickly following a user-initiated help request than one sent following a default help request. Applicants respectfully submit that only by an impermissible hindsight reconstruction can it be said that the references suggest responding relatively more rapidly to a user-initiated help request than to a default help request.

In a related argument set forth previously, Applicants asserted that a distinct aspect of Applicants' invention is Applicants' recognition of the source of a problem, namely, that the ordinary user is helped if given more time to provide input after receiving a response to a default help request, and if given relatively less time to provide input after receiving a response to a user-initiated help request. The Applicants' recognition of this problem is clearly stated in a portion of the Specification previously quoted:

"users that receive help by default generally require a delay period of between six and eight seconds to digest the audibly presented options and to input their selection. In contrast, users that have explicitly selected help, generally require a delay period of three seconds or less to input a desired help option. Additionally, users that have explicitly requested help are less confused when presented with additional help options after a pause than users that received the initial help options by default. For the above reasons, it can be beneficial to automatically present a comprehensive second-level menu of help after pausing for a relatively short time-out period whenever the first-level help menu has been explicitly selected."
(Specification, p. 5, paragraph [0011].)

As argued previously, it has been stated that the recognition of the source of a problem is itself an inventive aspect of Applicants' invention that warrants consideration. See *Eibel Process Co. v. Minnesota and Ontario Paper Co.*, 261 U.S. 45 (1923). None of the cited references recognize this problem nor do they provide the precise solution offered by Applicants' invention. Applicants respectfully request that this argument, previously set out, be addressed.

Applicants respectfully submit, therefore, that the cited references, alone or in combination, fail to teach or suggest every feature recited in independent Claims 1, 5, 14, 18, 27, and 28 and that the claims thus define over the prior art. Applicants further respectfully submit that, whereas each of the remaining and newly-presented claims depend from Claim 1, 5, 14, 18, 27, or 28 while reciting additional features, these dependent claims likewise define over the prior art.

CONCLUSION

Applicants believe that this application is now in full condition for allowance, which action is respectfully requested. Applicants request that the Examiner call the undersigned if clarification is needed on any matter within this Amendment, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,

Date: August 13, 2007



Gregory A. Nelson, Registration No. 30,577
Richard A. Hinson, Registration No. 47,652
AKERMAN SENTERFITT
Post Office Box 3188
West Palm Beach, FL 33402-3188
Telephone: (561) 653-5000